

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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Applicants: R. Jiao, et al

Serial No.: 10/549,739 ~

Case No.: 21273P

Filed: September 19, 2005

For: AMINO CYCLOBUTYLAMIDE MODULATORS OF  
CHEMOKINE RECEPTOR ACTIVITY

Art Unit:  
1625  
Examiner:  
Celia C. Chang

Commissioner for Patents  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated May 16, 2008, the applicants make the following elections:

- Group II, directed to spiro compounds of formula IIa, is elected.
- The compound of Example 80 is elected as the species.

The following claims read on elected Group II: 1, 3, 6, 8-14, and 20.

The above election is made without traverse, except that the applicants traverse the limitation that Group II compounds are limited to those in which R<sup>2</sup> and R<sup>9</sup> are independent. Such a limitation results in an excessive number of independent patent applications and patents. Including compounds in which R<sup>2</sup> and R<sup>9</sup> can be either cyclized or independent does not conflict with the examiner's justification for restriction, which is that cyclobutanes substituted with cyclic amines are different from aminocyclobutanes in the prior art. The elected Group II, including compounds in which R<sup>2</sup> and R<sup>9</sup> can be independent or cyclized, is still directed to cyclobutanes having cyclic amine substitutents.

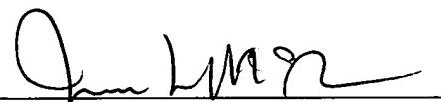
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.  
By Cecile Rogen Date 6-6-2008

Method of use Claims 21-23 are in Group VI. They are dependent on Claim 1, which is an elected claim. Therefore, Claims 21-23 will have all of the limitations of Claim 1 once it is allowed, and they should be eligible for rejoinder once the elected claims are allowed.

This response is timely and no fee is due. If a fee is required for this response to be considered, the fee can be charged to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By   
James L. McGinnis  
Reg. No. 34,387  
Attorney for Applicant

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-0641

Date: June 16, 2008